

1 THE HONORABLE JOHN C. COUGHENOUR

2
3
4
5
6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 JEFFREY CHEN,

10 Plaintiff,

11 v.

12 CITY OF MEDINA, et al.,

13 Defendants.
14

CASE NO. C11-2119-JCC

ORDER

15 This matter comes before the Court on Plaintiff's motions in limine (Dkt. No. 422),
16 Defendant's motions in limine (Dkt. No. 418), and Defendants' supplemental motions in limine
17 (Dkt. No. 460). The motions are granted and denied as follows:

18
19 **Plaintiff's Motions in Limine**

20 *A. Personal Matters*

- 21
- Chen's marriage and reasons for dissolution – DENIED
 - Alleged gambling issue – DENIED
 - 22 • Relationship between Plaintiff and Shawn Whitney – DENIED
 - 23 • References to Plaintiff's relationship with Patty Jordan as other than platonic – GRANTED

24 *B. Prior Employment*

- 25
- Employment with the Seattle Police Department - GRANTED
- 26

1 *C. Violations of Laws & Policies of the City of Medina*

- 2 • Misplaced/lost items at City of Medina – DENIED
3 • Use of Chen’s City vehicle – DENIED
4 • Violation of a law or policy related to the email system – DENIED
5 • Executive Session – DENIED

6 *D. “Certain Testimony of Lay Witnesses”*

- 7 • Testimony from Rachel Baker regarding contents of reports run in MX Logic – DENIED
8 • Testimony of Matt Cruz and Nathan Way relating to reports from Rachel Baker –
9 DENIED
10 • Testimony of Bret Jordan about Donna Hanson’s performance evaluations in 2010 –
11 DENIED
12 • Ellen Lenhart’s testimony – DENIED

13 *E. Expert testimony*

- 14 • Dr. Wilson Edward Reed’s exclusion by the court in a previous case – DENIED
15 • Dr. Reed’s lack of experience testifying in court – DENIED
16 • Testimony of Dr. Gerald Rosen regarding Chen’s personality traits – DENIED

17 Remarks about Plaintiff’s counsel – GRANTED

18 **Defendants’ Motions in Limine**

19 *Previous Motions in Limine*

- 20 • Testimony or evidence regarding alleged discrimination, hostile work environment, or a
21 “culture of racial bias and discrimination” directed at persons other than plaintiff –
22 GRANTED
23 • Testimony that Medina is a racist community or that there has been alleged racism by the
24 City towards others in the community – GRANTED
25 • That only two allegedly race-based comments are admissible at trial – DENIED
26 • Testimony or evidence of a specific statement by Bruce Disend during a City Council
meeting – GRANTED
• Reference to or evidence concerning the alleged use of a racial slur by Scott Hannah –
GRANTED
• Reference to or evidence regarding Washington Cities Insurance Authority (“WCIA”) –
GRANTED

- 1 • Reference to or evidence regarding settlement discussions – GRANTED
- 2 • Reference to or evidence regarding the wealth or income of the Medina community
- 3 and/or the City’s ability to pay any judgment – GRANTED
- 4 • Exclusion of non-party witnesses from the courtroom prior to testifying – GRANTED
- 5 • Testimony or evidence regarding alleged discrimination or retaliatory comments made by
- 6 community members – GRANTED
- 7 • Reference to or evidence regarding personal information relating to Lt. Dan Yourkoski –
- 8 GRANTED
- 9 • Testimony of Wilson Edward Reed that relies on speculation, hearsay, or other matters
- 10 not admitted as evidence during the trial; testimony of Mr. Reed about legal conclusions;
- 11 testimony other than admissible opinion set forth in Mr. Reed’s July 11, 2012 report, his
- 12 supplemental report dated August 20, 1012 and filed September 21, 2012, his declaration
- 13 dated December 21, 2012, and opinions expressed during his November 21, 2012
- 14 deposition – GRANTED
- 15 • Use of excerpts of videographic recordings of deposition testimony or audio or video
- 16 recordings for any purpose other than impeachment, including during opening statements
- 17 – DENIED in part as to use of a party’s deposition; GRANTED in part as to use of a non-
- 18 party’s deposition during opening statements.
- 19 • Attorney-client privileged or work-product-protected evidence – GRANTED

16 Defendants’ Motions in Limine

- 17 A. Evidence related to an Internal Affairs Complaint filed by Plaintiff in September 2013 –
- 18 GRANTED
- 19 B. Contact with Defendants’ witnesses – DENIED
- 20 C. All testimony from Dr. Wilson Reed, Plaintiff’s discrimination expert – DENIED
- 21 D. Introduction of evidence related to Plaintiff’s employment at the Seattle Police
- 22 Department – DENIED
- 23 E. Evidence related to the health issues of Plaintiff or Plaintiff’s family – GRANTED
- 24 F. Evidence about Plaintiff’s law-enforcement-certification status – GRANTED
- 25 G. Evidence about the prior trial’s outcome – GRANTED
- 26

1 H. Nomenclature – testimony in the first trial will be referred to as being given during “prior
2 legal proceedings.”

3 J. The parties and their counsel shall instruct witnesses about the Court’s orders.

4 Supplemental Motions in Limine

5 A. Testimony of Norm Stamper related to anything to do with race relations or
6 discrimination – DENIED

7 B. Testimony of Mark Newton on subjects not previously authorized – GRANTED

8 C. Evidence of personnel decisions made by the new City Manager – DENIED

9 DATED this 11th day of August 2014.
10
11
12

13
14
15
16
17
18
19
20
21
22
23
24
25
26

A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE